

REMARKS

The Office Action

Claims 1-11, 13-17, 19-24, 26-27 and 33-40 were presented for examination.

The 35 U.S.C. §112 rejection of claims 26 and 31 was withdrawn.

Claims 2-3 were objected to because of informalities.

Claims 1-4, 6-11, 13, 15-17 and 33-40 were rejected under 35 U.S.C.

§103(a).

Claims 5, 7 and 14 were rejected under 35 U.S.C. §103(a).

Claims 19-23 were rejected under 35 U.S.C. §103(a).

Claims 24 and 36 were rejected under 35 U.S.C. §103(a).

Claim 27 was rejected under 35 U.S.C. §103(a).

Applicants have amended claims 1, 10, 13, 17, 19, 24 and 26.

Claim Objections

Applicants have amended claims 2-3 to address the Examiner's objection based on informalities. The Office Action states that the limitation "wherein the electronic markets have a mixture of at least one of individual users or groups" as recited in claim 2 is unclear. The meaning intended by Applicants was that some of the electronic markets can include individual users, while others can include groups of users, while some include both individual users and groups of users. The claim has been amended herein to recite that "at least one of the electronic markets has at least one individual user and at least one of the remaining electronic markets has at least one group of users". Applicants submit that claims 2 and 3, as amended, now recite limitations which are clear in their meaning.

The Concepts of the Present Application are Patentably Distinct over Gruse et al. in View of Erickson et al., and Further in View of Kato, et al.

With attention to independent claim 1, the current Office Action states that Gruse et al. (U.S. Patent No. 6,389,538, hereinafter Gruse) discloses a system for administering electronic markets which include electronic content, including a connection system to permit connection to a communication network, an electronic server system configured to permit communication among a community of users and for hosting of the electronic markets. However, the Office Action also states that Gruse does not expressly disclose that any user of the community can be provided

with a capability of configuring and administering individual ones of the electronic markets. The Office Action then asserts that Erickson et al. (Published International Application No. WO 01/016826, hereinafter Erickson) discloses a distributed administration system wherein any user of the community of users can be provided with a capability of configuring and administering individual ones of the electronic markets, and further that it would have been obvious to one of ordinary skill in the art to modify the device of Gruse with the device of Erickson to allow users of the community to configure and administer individual electronic markets, with reference to page 5, line 35 – page 6, line 6. Applicants, however, respectfully disagree.

Applicants note that Erickson, although describing an electronic marketplace, describes a marketplace for goods and services rather than a marketplace hosting encrypted electronic content. In fact, in describing the prior state of the art on pages 1-3, Erickson repeatedly describes problems related to purchasing of goods and services. Thus, although the applied section of Erickson (page 5, line 35 – page 5, line 6) notes that a “marketplace administrator can create a virtual marketplace by inviting specific buyers and suppliers from the general electronic community to join the proposed submarketplace” and that “smaller groups or submarketplaces may be created by individual entities within the electronic community”, there is no discussion in Erickson regarding the subject of usage permissions which control usage of the encrypted electronic content as recited in independent claim 1, as amended. In fact, the Abstract of Erickson describes a communication system which “provides for coordinated message and response tracking within an electronic marketplace environment”. It further indicates that suppliers “who accept the marketplace membership invitation are allowed to attach some or all of their product information to the marketplace object.” Because Erickson deals with the problems associated with the purchase of goods and services, appears to be silent on the subject of usage permissions of electronic content. For this reason, Applicants submit that it would be neither trivial nor obvious to combine the submarketplace for goods and services teachings of Erickson with the System for Tracking End-User Electronic Content Usage described by Gruse.

Further, claim 1 of the present application, as amended, further distinguishes over the combination of the cited references by reciting a limitation for “including the capability of uploading selected electronic content to the administered electronic

market". None of the references cited in the Office Action teach or suggest such a capability.

Regarding the limitation of claim 1 of the present application reciting a paper interface, the Office Action states that Kato et al. (U.S. Patent No. 6,631,495, hereinafter Kato) discloses a paper interface/image scanner (Fig. 1, #6) for utilization of electronic markets including administration of the electronic markets/registration processing, with reference to Fig. 2, #151. However, the Office Action fails to show where Kato is describing anything more than a code used to retrieve a scanned document, rather than a means of administering the electronic market. For example, "When a document is printed, transmitted, or received, or is entered through the image scanner 6 in the client PC 2, it is automatically registered in the document registration server 1. To retrieve the document, the identification code assigned to the document at the time of document registration is read through the scanner" (col. 5, lines 3-8). This simple identification code feature does not describe or suggest any means for administering the electronic market as recited in claim 1 of the present application. Claim 1, as amended, recites a limitation wherein "any user of the community of users can be provided with the capability of configuring and administering individual ones of the electronic markets by using of the paper interface." However, according to the teachings of Kato, to enter any data beyond the identification code seems to require the manual input of the data. For example: "To input an image through the image scanner 8, the user enters information of file name, input person name, etc., from the control panel 80. The identification code generating section 82 generates identification code proper to the document input as image data based on the information and the time input from the clock 81 and outputs the identification code to the data combining section 88" (col. 8, lines 35-41). Although Kato describes an image scanner 8 in Figure 8, the data is inputted via the control panel 80 which is not a paper interface. The paper interface portion (Light Source 83 and Photoelectric Conversion Section 84) are not described as being capable of receiving such data. In fact, a data combining section 88 combines the image data and the identification code generated by the identification code generating section and the image data input interface (I/F) section 89 outputs the result to the client PC 2 (col. 8, lines 58-61). Applicants submit, therefore, that the image scanner described by Kato is not a paper interface capable of administering

the electronic markets as recited in claim 1 of the present application, as amended.

Applicants further note that the recited structure of the system of claim 1, as amended, describes a non-obvious method of modifying the usage permissions of electronic content even after the electronic content is purchased because the electronic content is encrypted, and the recited set of usage permissions are separate from the encrypted electronic content. This is at least one of the objectives of the present application as stated in paragraph 5 and further described in paragraph 27 and elsewhere in the application.

With attention now to dependent claim 4, the Office Action states that Gruse discloses a feature wherein at least one user group (col. 12, lines 6-8) has permission to manage properties of the content including a capability to change the associated usage permissions or change the markets/stores within which the content appears (col. 12, lines 57-56 and col. 13, lines 5-13). However, dependent claim 4, as amended, not only recites a limitation wherein at least one associated user group can manage properties of the content, it also recites a limitation wherein the managing includes administering manage permissions, "including a capability which allows particular users or groups to change the associated usage permissions, including a user/group list, usage permissions, access permissions, usage fees for each user/group listing, and manage permissions or change the markets within which the different content appears." Gruse neither teaches nor suggests a feature for distributing administration manage permissions for the content as recited in claim 4 of the present application.

For at least the above-stated reasons, Applicants respectfully submit that independent claim 1 of the present application, as amended, is patentably distinct over the cited references, and is in condition for allowance. Applicants further submit that claims 2-11 and 33-36, for at least the reason of depending from claim 1, are also patentably distinct and in condition for allowance.

Turning attention now to independent claim 13, this claim, as amended, also recites a limitation for providing a paper interface "for administering the electronic markets, wherein each user of the community of users is able to be provided with the capability of administering permissions which control access and usage of the electronic markets by means of the paper interface." However, according to the teachings of Kato as discussed with reference to claim 1 above, to enter any data

beyond the identification code seems to require the manual input of the data. Applicants submit, therefore, that the image scanner described by Kato is not a paper interface capable of administering the electronic markets as recited in claim 13 of the present application, as amended.

For at least the above-stated reasons, independent claim 13 is distinguished.

As dependent claims 14-17 and 37-40 further define now-distinguished independent claim 13, they are also considered distinguished.

The Concepts of the Present Application are Patentably Distinct over Gruse et al. in View of Erickson et al., and Further in View of Batten-Carew, et al. (U.S. Patent No. 5,968,177)

With attention to independent claim 19, provided is a method of creating and administering an electronic marketplace. The method, as amended, recites a limitation for distributing administration of the electronic marketplace wherein each user of the community of users is able to be provided with a capability of administering permissions which control access and usage of the electronic marketplace. As amended, it now also recites a limitation wherein a second user having manage permissions can change a selected element of the permissions matrix, including the manage permissions, and change the location of selected electronic content by specifying in which markets the selected content will appear. As noted before with reference to claim 4, Gruse does not teach or suggest such a feature which allows distribution of the manage permissions. Gruse, to the contrary, as described in a previous response, provides a clear wall between the various users of the system (*i.e.*, content providers, content store providers and end users).

Turning attention to independent claim 20, this claim, as amended, also recites a limitation for a paper interface similar to the limitation for a paper interface recited in claim 1, as amended. Applicants submit, for the same reasons set forth with reference to independent claim 1, that the image scanner described by Kato is not a paper interface capable of administering the electronic markets as recited in claim 20 of the present application, as amended.

For at least the above-stated reasons, Applicants respectfully submit that independent claim 19 of the present application, as amended, is patentably distinct over the cited references, and is in condition for allowance.

As claims 20-23 depend from and further distinguish the now-rejected claim 19, it is submitted these claims are also distinguished.

The Concepts of the Present Application are Patentably Distinct over Gruse et al. in View of Harrell et al. (U.S. Patent Application No. 2002/0016727), in view of Erickson et al.

With attention to independent claim 24, provided is a method of creating and administering an electronic marketplace. The method, as amended, recites a limitation for distributing administration of the electronic marketplace wherein "any user of the community of users is able to be provided with a capability of configuring

and administering permissions which control access and usage of an electronic marketplace and the electronic content of the electronic marketplace, including the capability of uploading selected electronic content to the electronic market." As discussed above with reference to independent claim 1, none of the references cited in the Office Action teach or suggest such a capability.

For at least the above-stated reasons, Applicants respectfully submit that independent claim 24 of the present application, as amended, is patentably distinct over the cited references, and is in condition for allowance.

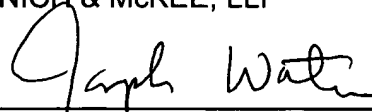
As claims 26-27 depend from and further distinguish the now-rejected claim 24, it is submitted these claims are also distinguished.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-11, 13-17, 19-24, 26-27 and 33-40) are now in condition for allowance.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP



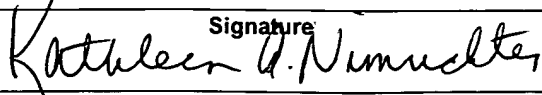
Joseph E. Waters, Reg. No. 50,427
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

March 20, 2007
Date

CERTIFICATE OF MAILING OR TRANSMISSION

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☒ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Express Mail Label No.:	Signature 
Date March 20, 2007	Printed Name Kathleen A. Nimrichter

N:\XERZ\200440\USIGTY0000394V001.doc